

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

JULIO CESAR PEREZ,	:	
	:	Civil Action No. 08-3361 (NLH)
Plaintiff,	:	
	:	
v.	:	ORDER
	:	
WARDEN GRONOLSKY, et al.,	:	
	:	
Defendants.	:	CLOSED

For the reasons expressed in the Opinion filed herewith,

IT IS on this 6th day of August, 2008,

ORDERED that the Clerk of the Court shall re-open this matter for consideration of Plaintiff's application for leave to proceed in forma pauperis; and it is further

ORDERED that Plaintiff's application to proceed in forma pauperis is hereby granted pursuant to 28 U.S.C. § 1915(a) and (b); and it is further

ORDERED that the Clerk of the Court shall file the Complaint without prepayment of fees or security; and it is further

ORDERED that, pursuant to 28 U.S.C. § 1915(b), the Clerk shall serve a copy of this Order by regular mail upon the U.S. Attorney for the District of New Jersey and the warden of the Federal Correctional Institution at Fort Dix, New Jersey; and it is further

ORDERED that the Eighth Amendment claim is DISMISSED WITHOUT PREJUDICE for failure to state a claim; and it is further

ORDERED that the pendent state law claim for medical malpractice against St. Francis Medical Center is DISMISSED WITHOUT PREJUDICE; and it is further

ORDERED that Plaintiff is assessed a filing fee of \$350.00 which shall be deducted from Plaintiff's institutional account pursuant to 28 U.S.C. § 1915(b)(2) in the manner set forth below, regardless of the outcome of the litigation; and it is further

ORDERED that, pursuant to 28 U.S.C. § 1915(b)(2), until the \$350.00 fee is paid, each month that the amount in Plaintiff's prison account exceeds \$10.00, the agency having custody of Plaintiff shall assess, deduct from his institutional account, and forward to the Clerk payments equal to 20% of the preceding month's income credited to Plaintiff's institutional account, with each payment referencing the civil docket number of this action; and it is further

ORDERED that the Clerk of the Court shall re-close the file in this matter.

At Camden, New Jersey

s/Noel L. Hillman
Noel L. Hillman
United States District Judge